

**FINDINGS OF CONFORMANCE  
MULTIPLE SPECIES CONSERVATION PROGRAM  
For Hamilton TPM  
TPM 21060**

**November 10, 2008**

**I. Introduction**

The proposed project is a 2-lot TPM of 24.29 gross acres for residential use. There is one existing home on-site to remain. The parcel, APN 522-080-49, is located on Skyline Truck Trail in Jamul, unincorporated San Diego County. The project will also include road improvements on- and off-site, fire clearing on-site, and a non-motorized trail easement over an existing dirt trail.

The existing and proposed homes and access road are located on the eastern edge of the property. The habitat on-site is primarily mafic southern mixed chaparral, with smaller areas of coastal sage-chaparral scrub, disturbed, and developed. A CDFG/ACOE ephemeral drainage runs from southeast to northwest through the chaparral habitat in the center of the site. No state or federally listed plant or animal species were observed on-site. Two sensitive animal species, San Diego horned lizard (*Phrynosoma coronatum blainvillei*), and Hermes copper butterfly (*Lycaena hermes*) were observed on-site. An additional 13 sensitive animal species have a high potential to occur on-site. Two County List A plant species were observed on-site: felt-leaved monardella (*Monardella hypoleuca lanata*) and Parry's tetracoccus (*Tetracoccus dioicus*). No other sensitive plant species have a high potential to occur on-site, since they would have been observed during the surveys.

The whole project site is designated as Pre-Approved Mitigation Area (PAMA) except for the very southwestern corner. The site is located within the southwestern edge of a PAMA that runs generally northwest-southeast.

The project will impact 1.23 acres of mafic southern mixed chaparral, two Hermes copper butterflies, one spiny redberry, and 0.20 acres of Parry's tetracoccus-dominated chaparral. These impacts will be fully mitigated on-site in accordance with the Biological Mitigation Ordinance. A biological open space easement will be dedicated over 17.18 acres of mafic southern mixed chaparral, 1.27 acres of coastal sage-chaparral scrub, 0.25 acres of disturbed, and 0.1 acres of developed habitat, including a CDFG and ACOE ephemeral drainage. This greatly exceeds the 2.46 acres of mafic southern mixed chaparral required by the BMO, which is designed to mitigate impacts to sensitive species that could potentially occur on-site. In addition, the open space will protect 27 Hermes copper butterflies, at least 23 spiny redberries, all of the felt-leaved monardella, and 90 percent of the Parry's tetracoccus-dominated chaparral on-site. Impacts that would not be significant include 0.29 acres of disturbed, and 3.97 acres of developed habitat, as well as the placement of a non-motorized trail easement over an existing disturbed dirt trail.

Other conditions to reduce or mitigate potential impacts to occupied habitat areas include placement of temporary construction fencing, permanent fencing/walls between development and preserve areas, and open space signs between the development area and the preserve area. In addition, a Limited Building Zone (LBZ) easement with a minimum width of 100 feet will be dedicated between the proposed home on Parcel 2 and the open space. This will prevent the placement of habitable structures near the preserve that would ultimately result in fire-clearing impacts. And to minimize potential impacts to sensitive avian species, no brushing, clearing or grading will occur within 300 feet of vegetated habitat during the avian breeding season, January 1 to August 31. All of these mitigation measures are listed in the Mitigated Negative Declaration and will be made conditions of approval for TPM 21060.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Mafic Southern Mixed Chaparral	I	18.41	1.23	2:1	2.46
Coastal Sage-Chaparral Scrub	II	1.27	0	1.5:1	0
Disturbed	IV	0.54	0.29	N/A	N/A
Developed	IV	4.07	3.97	N/A	N/A
<b>Total:</b>	--	24.29	5.49	--	2.46

The findings contained within this document are based on County records, staff field site visits and the Biological Letter Report prepared by Robin Church and submitted on June 13, 2008. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## **II. Biological Resource Core Area Determination**

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

### **A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The project site qualifies as a BRCA. The land is shown as a PAMA and contiguous to PAMA, the majority is shown on the Habitat Evaluation Map (Attachment J to the BMO) as high habit value, and it supports sensitive species.

### **B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The on-site mitigation land qualifies as a BRCA. The land is shown as a PAMA and contiguous to PAMA, the majority is shown on the Habitat Evaluation Map (Attachment J to the BMO) as high habit value, and it supports sensitive species.

As a Biological Resource Core Area, the open space resulting from this project is considered part of the regional MSCP preserve system. As such, all of the requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan apply to this open space.

## **III. Biological Mitigation Ordinance Findings**

### **A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

#### **1. Project development shall be sited in areas to minimize impact to habitat.**

Project development will be located on the eastern edge of the property in the area already developed with a home, road, and associated disturbance. Undisturbed habitat will be largely avoided.

#### **2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.**

Although clustering could not be applied for only two lots, the proposed locations for development were chosen as a means to achieve avoidance of sensitive resources.

- 3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

It was not necessary to increase steep slope encroachment since the developed portion of the site is not the steepest part.

- 4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

Portions of the access road will have only 16' of pavement in accordance with section 3.13 of the San Diego County Private Road Standards.

- 5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

Attachment G and Attachment H are provided below.

## **B. Preserve Design Criteria (Attachment G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

- 1. Acknowledge the “no net loss” of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

The project will achieve no net loss of wetlands since the ephemeral drainage on-site will be entirely preserved in a biological open space easement and not impacted by the project.

- 2. Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

The project will preserve all of the coastal sage-chaparral scrub on-site and 14.72 out of 18.41 acres of mafic southern mixed chaparral, as well as the entire ephemeral drainage, 90% of the Parry's tetracoccus dominated mafic southern

mixed chaparral, 27 out of 29 Hermes copper butterflies, all of the felt-leaved monardella, and 99% of the Hermes copper habitat.

- 3. Provide for the conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.**

None of the habitat ranked as having high biological value will be impacted by the project.

- 4. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The project has clustered development in one area while preserving 77% of the site in one contiguous block of viable open space. The amount of edge between open space and development is minimal relative to the 18.8 acres contained within open space. To further reduce potential indirect impacts, the Tentative Parcel Map will be conditioned to implement the following measures: a 100-foot Limited Building Zone to prevent fire clearing from extending into the open space, temporary and permanent fencing and permanent signage along the boundary between development and open space, and no clearing, grading, or construction will be allowed within 300 feet of habitat during the avian breeding season. A Storm Water Management Plan has been prepared to ensure management of run-off. The project must comply with the County Noise Ordinance and Light Pollution Code.

- 5. Provide incentives for development in the least sensitive habitat areas.**

The project will impact a total of 5.49 acres of land. Of this amount, only 1.23 acres is Tier I habitat. The majority of impacts are focused on the habitat types with the lowest sensitivity: disturbed and developed.

- 6. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

No narrow endemic species were observed on-site. Two species, felt-leaved monardella and Parry's tetracoccus, are not classified as narrow endemics, but are listed as Group A species on the County rare plant list. Group A species are afforded the same protection as narrow endemic species (BMO Section 86.507(a)(1)-b). Felt-leaved monardella (*Monardella hypoleuca lanata*) was

found within the mafic southern mixed chaparral along the southern property boundary. Over 400 individuals were observed, all of which will be protected within open space. A second highly sensitive plant species, the Parry's tetracoccus (*Tetracoccus dioicus*), was also detected on-site. Approximately 0.20 acres (or 10% of the total 2.09 acres), of land supporting this species will be impacted by the project. The remainder will be protected within open space. Since the impact is less than the maximum 20% allowed by the BMO, the impacts are not expected to reduce the overall viability of this species. In addition, the 0.20 acres of Parry's tetracoccus to be impacted will be mitigated on-site by the additional .22 acres to be preserved beyond the required 80% (1.67 acres).

**7. Preserve the biological integrity of linkages between BRCA's.**

The project will preserve biological integrity by preserving 77% of the on-site BRCA in a biological open space easement. The project will avoid potential wildlife corridors by clustering development in the developed eastern portion of the site. The biological open space easement on the western portion of the property will help conserve any corridors on-site and make a connection to undeveloped lands to the northwest.

**8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).**

No narrow endemic species were observed on-site. Two species, felt-leaved monardella and Parry's tetracoccus, are not classified as narrow endemics, but are listed as Group A species on the County rare plant list. Group A species are afforded the same protection as narrow endemic species (BMO Section 86.507(a)(1)-b). Felt-leaved monardella (*Monardella hypoleuca lanata*) was found within the mafic southern mixed chaparral along the southern property boundary. Over 400 individuals were observed, all of which will be protected within open space. This exceeds the 89% preservation mentioned in Table 3-5. A second highly sensitive plant species, the Parry's tetracoccus (*Tetracoccus dioicus*), was also detected on-site. Approximately 0.20 acres (or 10% of the total 2.09 acres), of land supporting this species will be impacted by the project. The remainder will be protected within open space. Since the impact is less than the maximum 20% allowed by the BMO, the impacts are not expected to reduce the overall viability of this species. Table 3-5 predicts 80-100% preservation. In addition, the 0.20 acres of Parry's tetracoccus to be impacted will be mitigated on-site by the additional .22 acres to be preserved beyond the required 80% (1.67 acres).

**C. Design Criteria for Linkages and Corridors (Attachment H)**

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

**1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.**

The project is located within the BRCA, and not within a regional linkage. No specific local corridors have been identified on-site, but wildlife may potentially use the southeast-northwest trending drainages as corridors. The project will include 18.8 acres of open space, leaving wildlife movement open to the north, west, and south. The proposed open space spans the entire project width and exceeds 900 feet in length, making it useful as a habitat linkage.

**2. Existing movement corridors within linkages will be identified and maintained.**

The most likely potential movement corridor on-site is along the southeast-northwest trending ephemeral drainage. This area will be maintained within the proposed biological open space easement.

**3. Corridors with good vegetative and/or topographic cover will be protected.**

The southeast-northwest trending ephemeral drainage provides good vegetative and topographic cover. This area will be maintained within the proposed biological open space easement.

**4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**

The large open space proposed for preservation will maximize the usefulness for a wide range of wildlife species, including the Hermes copper butterfly and the San Diego horned lizard observed on-site.

**5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

The target species on the Hamilton property would be sensitive wildlife that migrates and/or disperses across the property. As noted in the biological letter report prepared by Robin Church, the following sensitive mobile wildlife were identified on site: Hermes copper butterfly and San Diego horned lizard. Biological information for these species is provided in the biological report and in Table 3-5 of the MSCP Plan. The biological information available does not specify a minimum corridor or linkage width for these species. The site supports good quality habitat, well vegetated, and buffered from adjacent development.

- 6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**

The on-site potential corridor area is about 900 feet wide at its narrowest point, where constrained by existing development, and extends from the northern to southern property boundary. Although no large mammals or sensitive birds have been observed on-site, the placement of the new home preserves 1050 feet in open space width.

- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

The placement of the proposed home will not interfere with lines of sight along the drainages on-site.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

The development will be subject to the San Diego County Noise Ordinance and Light Pollution Code, which set specific limits for noise and light trespass. The Light Pollution Code prohibits light from affecting biological open space.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

The project will use the existing access road serving the existing single-family residence, thereby avoiding the construction of new roads that might function as a barrier to wildlife movement.

- 10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition,**

**and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

No new wildlife crossings are proposed.

**11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

The project design preserves the main drainage area on-site that could be used as a wildlife corridor. Thus, the concept of archipelagos does not apply to this project, as none are necessary or proposed given the amount of open space proposed on-site and the direct connectivity to off-site habitat areas.

#### **IV. Subarea Plan Findings**

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

**1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project will achieve no net loss of wetlands since the ephemeral drainage on-site will be entirely preserved in a biological open space easement and not impacted by the project.

**2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project will preserve all of the coastal sage-chaparral scrub on-site and 14.72 out of 18.41 acres of mafic southern mixed chaparral, as well as the entire ephemeral drainage, 90% of the Parry's tetracoccus dominated mafic southern mixed chaparral, 27 out of 29 Hermes copper butterflies, all of the felt-leaved monardella, and 99% of the Hermes copper habitat.

**3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

None of the habitat ranked as having high biological value will be impacted by the project.

**4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The project has clustered development in one area while preserving 77% of the site in one contiguous block of viable open space. The amount of edge between open space and development is minimal relative to the 18.8 acres contained within open space. To further reduce potential indirect impacts, the Tentative Parcel Map will be conditioned to implement the following measures: a 100-foot Limited Building Zone to prevent fire clearing from extending into the open space, temporary and permanent fencing and permanent signage along the boundary between development and open space, and no clearing, grading, or construction will be allowed within 300 feet of habitat during the avian breeding season. A Storm Water Management Plan has been prepared to ensure management of run-off. The project must comply with the County Noise Ordinance and Light Pollution Code.

**5. The project provides for the development of the least sensitive habitat areas.**

The project will impact a total of 5.49 acres of land. Of this amount, only 1.23 acres is Tier I habitat. The majority of impacts are focused on the habitat types with the lowest sensitivity: disturbed and developed.

**6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project will place 18.8 acres of various sensitive habitat types in one contiguous block of open space. The mixture of these habitats protected together will preserve the integrity of the ecosystem as it currently exists. This includes having upland habitats buffer the ephemeral drainage and allowing species to move between these habitats to meet their nesting and foraging needs. Several covered species were detected on-site, although it does not appear that these would constitute key regional populations given the size of the populations detected. Special consideration was given to two plant species, felt-leaved monardella and Parry's tetracoccus, due to their status as Group A species. All of the felt-leaved monardella will be protected within open space along with 90% of the Parry's tetracoccus. All other covered species, including the San Diego horned lizard, will be adequately protected through the on-site preservation of their respective habitats.

**7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project will preserve approximately 18.8 acres of viable open space, or 77% of the property. The design creates one large block of habitat that is contiguous with

off-site habitat areas. Therefore, the project will contribute to the long-term survival of many species. The majority, if not all, of each habitat type found on site will be preserved within the open space. This will allow species to continue foraging in their appropriate habitats, although the project site lacks appropriate nesting habitat and foraging opportunities for golden eagles.

**8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No narrow endemic animal or plant species were detected on the site. Two species, felt-leaved monardella and Parry's tetracoccus, are not classified as narrow endemics, but are listed as Group A species on the County rare plant list. Group A species are afforded the same protection as narrow endemic species (BMO Section 86.507(a)(1)-b). Felt-leaved monardella (*Monardella hypoleuca lanata*) was found within the mafic southern mixed chaparral along the southern property boundary. Over 400 individuals were observed, all of which will be protected within open space. A second highly sensitive plant species, the Parry's tetracoccus (*Tetracoccus dioicus*), was also detected on-site. Approximately 0.20 acres (or 10% of the total 2.09 acres), of land supporting this species will be impacted by the project. The remainder will be protected within open space. Since the impact is less than the maximum 20% allowed by the BMO, the impacts are not expected to reduce the overall viability of this species. In addition, the 0.20 acres of Parry's tetracoccus to be impacted will be mitigated on-site by the additional .22 acres to be preserved beyond the required 80% (1.67 acres).

**9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project will not jeopardize the assembly of a preserve system within the Subarea Plan because new development will be restricted to the area of existing development and the majority of the site will be dedicated as biological open space.

**10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The project has clustered development in one area while preserving 77% of the site in one contiguous block of viable open space. The amount of edge between open space and development is minimal relative to the 18.8 acres contained within open space. To further reduce potential indirect impacts, the Tentative Parcel Map will be conditioned to implement the following measures: a 100-foot Limited Building Zone to prevent fire clearing from extending into the open space, temporary and permanent fencing and permanent signage along the boundary between development and open space, and no clearing, grading, or construction will be allowed within 300 feet of habitat during the avian breeding season. A Storm Water

Management Plan has been prepared to ensure management of run-off. The project must comply with the County Noise Ordinance and Light Pollution Code.

**11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The entire site qualifies as a BRCA. Therefore, any development on the site would constitute an impact. However, the project design includes components to lessen this impact significantly and maintains the basic function of the site as a biological resource core area. For instance, the new development will occur in the same area as the existing home, thereby reducing the amount of disturbed areas and edge effects. The project will preserve 18.8 acres (77% of the property) in viable open space. This open space design will also include a Limited Building Zone between the open space and development. Potential wildlife linkages and corridors will be protected within the open space, including the ephemeral drainage area.

With regard to sensitive resources and species, the project has sought to provide the most protection for those habitat types and species considered most sensitive. The majority of the proposed impacts will occur to Tier IV habitats while most of the Tier I and II habitat is avoided. Several covered species were detected on-site. Special consideration was given to two plant species, felt-leaved monardella and Parry's tetracoccus, which qualify as Group A species. All of the felt-leaved monardella will be protected within open space along with 90% of the Parry's tetracoccus. All other covered species, including the San Diego horned lizard, will be adequately protected through the on-site preservation of their respective habitats. Every effort has been made to avoid impacts to these sensitive resources. The project is consistent with the goals of the MSCP.

Beth Ehsan, Department of Planning and Land Use  
November 10, 2008

